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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 09/991,616 | 11/16/2001 | Baoquan A. Zhang | 1676 | 4704 |
| 28005 | 7590 | 05/19/2005 | EXAMINER | |
| SPRINT 6391 SPRINT PARKWAY KSOPHT0101-Z2100 OVERLAND PARK, KS 66251-2100 | | | GAUTHIER, GERALD | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2645 | |

DATE MAILED: 05/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | |
|------------------------------|-----------------|--------------|
| Office Action Summary | Application No. | Applicant(s) |
| | 09/991,616 | ZHANG ET AL. |
| | Examiner | Art Unit |
| | Gerald Gauthier | 2645 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 27 December 2004.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-8 and 10-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-8 and 10-18 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. **Claim(s) 1-15** are rejected under 35 U.S.C. 103(a) as being unpatentable over McConnell et al. (US 6,373,930 B1) in view of UNG (US 6,785,534 B2).

Regarding **claim(s) 1**, McConnell discloses a method for providing real-time service provisioning at a customer premises equipment (FIG. 9 and column 1, lines 7-16), the method comprising:

receiving an incoming call to the customer premises equipment at a switch in a carrier network, and responsively sending a query for call handling instructions from the switch to a service control node in the carrier network (FIG. 9 and column 18, lines 26-41) [In response to receiving a call request from a caller the MSC 110 generates a TACP query to the SCP 124 requesting call handling instructions];

providing one or more choices corresponding to handling of the incoming call for selection at the customer premises equipment in response to receipt of the query for call handling instructions at the service control node (FIG. 9 and column 21, lines 9-28) [The SCP 124 sends instructions to the IP 120 to interact with the user at MS 102 to collect credit card information for sufficient funds for the call].

McConnell discloses the user being prompt fro replenishing an account for prepaid calls but fails to disclose receiving at the service control node an indication of a choice selected at the customer premises equipments and providing a response to the query from the service control node to the switch, wherein the response to the query includes call handling instructions corresponding to the selected choice and processing

the incoming call at the switch according to the response received from the service control node.

However, Ung in the same field of endeavor teaches receiving at the service control node an indication of a choice selected at the customer premises equipments and providing a response to the query from the service control node to the switch, wherein the response to the query includes call handling instructions corresponding to the selected choice (FIG. 5 and column 7, lines 29-47) [The SCP 102 receives the response of the user preferences from the IP 107 and provide an instruction to the MSC 106 to handle the call according to the user' s preferences]; and

processing the incoming call at the switch according to the response received from the service control node (FIG. 5 and column 7, lines 48-54) [The MSC 106 with an updated of the user's profile handles all the calls as prepaid calls based on the return result message from the SCP 102].

Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the invention of McConnell using the IP as taught by Ung.

This modification of the invention enables the system to get preferences from the user so that the subscriber would have full control of payment options switching.

Regarding **claim(s) 2**, McConnell discloses a method for providing real-time service provisioning at a customer premises equipment further comprising:

providing call information at the customer premises equipment (column 18, lines 15-25).

Regarding **claim(s) 3**, McConnell discloses a method for providing real-time service provisioning at a customer premises equipment further comprising:

selecting one of the one or more choices at the customer premises equipment, wherein the selection of one of the one or more choices generates a response message from the customer premises equipment, the response message including the indication of the selected choice (column 21, lines 9-28).

Regarding **claim(s) 4**, McConnell discloses a method for providing real-time service provisioning at a customer premises equipment wherein processing the incoming call corresponds to connecting the call to the customer premises equipment, forwarding the call to voice mail, or forwarding the call to a third party (column 20, lines 20-30).

Regarding **claim(s) 5 and 8**, McConnell discloses a method for providing real-time service provisioning at a customer premises equipment wherein providing one or more choices at the customer premises equipment is provided by a short message service (SMS) message (column 9, lines 56-67).

Regarding **claim(s) 6**, McConnell discloses a method for providing real-time service provisioning at a customer premises equipment wherein the customer premises equipment is a mobile telephone, a personal digital assistant (PDA), a pager, or other hand-held wireless device (column 18, lines 15-25).

Regarding **claim(s) 7**, McConnell and Ung disclose all the limitations of **claim(s) 7** as stated on **claim(s) 1**'s rejection above and furthermore McConnell discloses receiving at a mobile switching center an incoming call from a first mobile station (102 on FIG. 4) to a second mobile station (144 on FIG. 4) (FIG. 4 and column 18, lines 15-25) [The MSC 110 receives a call from the mobile station 102 to be terminated at the station 144].

Regarding **claim(s) 10**, McConnell discloses a method for providing real-time service provisioning wherein providing one or more choices at the second mobile station comprises:

a web-server providing one or more choices at the second mobile station column 9, lines 56-67).

Regarding **claim(s) 11**, McConnell discloses a web-server receiving the choice selected at the second mobile station and sending the selected choice to the service control node (column 9, lines 56-67).

Regarding **claim(s) 12 and 15**, McConnell discloses a method for providing real-time service provisioning wherein the service control node is a service control point (SCP) (FIG. 4).

Regarding **claim(s) 13**, McConnell and Ung disclose all the limitations of **claim(s) 13** as stated on **claim(s) 1'** s rejection above and furthermore McConnell discloses a web-server for receiving the information in the internet domain (column 9, lines 56-67) [The web-based interface allows the subscriber to add and modify special services].

5. **Claim(s) 16-18** are rejected under 35 U.S.C. 103(a) as being unpatentable over McConnell in view of Ung as applied to **claim(s) 13** above, and further in view of Tran et al. (US 6,154,646 A).

Regarding **claim(s) 16**, Tran teaches a system for providing service provisioning in real time, wherein the service control node communicates with the web-server over an HTTP packet network (column 3, lines 40-59).

Regarding **claim(s) 17**, Tran teaches a system for providing service provisioning in real time, further comprising:
a second server (19 on FIG. 1); and

a call processing entity in communication with the second server (column 3, lines 20-33);

wherein the second server pushes an alert message containing the one or more choices via the call processing entity to the mobile switching center, and wherein the mobile switching center forwards the alert message to the second mobile station (column 3, lines 20-33).

Regarding **claim(s) 18**, McConnell discloses a system for providing service provisioning in real time, wherein the call processing entity is a short message service center (SMSC) (column 9, lines 56-67).

Response to Arguments

6. Applicant's arguments with respect to **claim(s) 1-8 and 10-18** have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

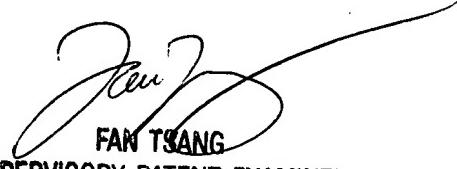
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald Gauthier whose telephone number is (571) 272-7539. The examiner can normally be reached on 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

GERALD GAUTHIER
PATENT EXAMINER

g.g.
May 16, 2005



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